

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of January 19, 2017

Board Members Present:

Board Chairman: Tracy Cagan, RCP
Vice Chairman: Jose Gonzales, RCP
Kathy Rineer, RCP
Michelle O'Hair-Schattenberg, Esq.
Alan Crawford, RCP*

Board Members Absent:

Nicholas Walters, Esq.

Staff Present:

Executive Director:
Jack Confer
Investigator:
David Geriminsky
Licensing Specialist:
Kathy Stone

Legal Counsel Present:

Frankie Shinn-Eckberg, AAG

*Board Member Crawford arrived at
9:30AM

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Board of Respiratory Care Examiners Board Meeting Minutes

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CALL TO ORDER

The Meeting was called to order at 9:00AM by Board Chairman Cagan.

A 2 minute break was taken at 10:01AM.

A 5 minute break was taken at 12:03PM.

A-1 DISCUSSION/ACTION ON ELECTION OF OFFICERS PURSUANT TO A.R.S. 32-3503

Election of the Board Chairman:

MOTION: Board Member Crawford nominated Tracy Cagan for Chairman. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0). Chairman Cagan abstained.

Election of the Vice Chairman:

MOTION: Board Member Crawford nominated Jose Gonzales for Vice Chairman. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0). Vice Chairman Gonzales abstained.

CONSENT AGENDA

There being no items requested to be removed, a motion was made to approve all items on the Consent Agenda.

MOTION: Board Member O'Hair-Schattenberg to approve. Seconded by Vice Chairman Gonzales.

VOTE: Motion passed (4-0).

C-1 APPROVAL OF MINUTES

Recommended for Approval

Regular Session Minutes from December 15, 2016 meeting.
 Executive Session Minutes from December 15, 2016
 Special Teleconference Minutes from January 10, 2017 meeting.

C-2 ACTION ON APPLICATIONS FOR LICENSURE

Recommended for approval by the Executive Director

Alejandro Acosta	Ayalew Afework	Ronald Amaya	Tyler Beams
Trenton Blank	Charles Calahan	Kimberly Camp	Jathen Castaneda
Mary Churchill	David Cornejo Jr.	Issac Foster	Eunice Garcia
Todd Giller	John Grajeda	Jaclyn Grill	Cassandra Gutierrez
Rene Gutierrez	Chelby Hahn	Ashlee Hance	Sheryl Irving
Jourdan Johnson	Jan Johnson	Camile King	Brianna Koch
Susan Kraft	Gracie Kruger	Shawna Kruger	Ismat Maudood
Yvette Mendoza	John Morris	Theresa Oliver	Michael Peralta
Jonathan Phan	Adela Prieto	Barbara Schulze	Jamie Thomas
Amaro Tovar Jr.	Genevieve Tully	Enrique Vargas Acevedo	Miranda Witt

C-3 ACTION ON ADMINISTRATIVE CLOSURE OF APPLICATION FILES

Recommended for closing of application files

Erin Carter	Andrea Gonzalez	Adrairie Harris	Jose Madrigal
Desiree Mendoza	Ashley Montague	Gennet Russom	Lisa Yi

C-4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Brian Ballentine II	Shelley Bianchi York	Kourtney Biggs	Vincent Butler
Curtis Clayton	Osvaldo Demesa	David Gallant	Christina Griffeth
Nicole King	Cheryl Kingsley-Radvan	Donna Kruger	Iyana La'Borin
Lynda Layton-Hanson	Bruce Lunn	Carleasa Myles	April Osborn
Clay Patterson	Margaret Rosenkrans	Linda Rozema	Juan Ruiz
Byanca Salazar	Arthur Schicatano	Lyudmila Shishkina	Daniel Small
Craig Strickler	Lora Tittle	Theresa Wagner	Terrence Wartell
Susan Wilcox	Sondra Zweber		

C-5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of license expirations to the following individuals:

Lisa Almanza	Helen Bowers	Paula Bradbury	Denise Chapman
J. Catherine D'Aoust	Zita Deahl	John Endersbe	Christopher Fitton
Jean Graham	Michael High	Rockey Keovorabouth	Artheius Laskey
Patricia Lucas	Adam Meyer	Louise Muir	Jennifer Muse
Peter O'Neill	Louis Peduchi	Julio Quintero	Joseph Rivera
Glenda Rodgers	Laurie Rogers	Vanessa Simpson	Brandon Smith
Tory Taylor	Edward Thomas	Rebekah Thompson	John Underwood
Jennifer Urrea	Jerry White	Ladonna Wooliver	

C - 6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Brian Ballentine
Patricia Stadaker

Jason Burrue!
Amanda Trudeau

Kimberly Chambers

Pearl Herrera

C-7 DISCUSSION/ACTION ON RATIFICATION OF CONSENT AGREEMENTS

- | | |
|------------------------|-------------------------------|
| 1. Caldwell, Lori | Case Number C003675-17-011578 |
| 2. Romero, Brenda | Case Number C003680-17-008838 |
| 3. McLaughlin, Martha | Case Number C003592-16-010105 |
| 4. Shea, Kelly | Case Number C003681-17-009330 |
| 5. Telon, Veronica | Case Number C003632-17-009906 |
| 6. Murphy, Susan | Case Number C003543-16-003704 |
| 7. Degaetano, Dino | Case Number C003677-17-009698 |
| 8. Hernandez, Kimberly | Case Number C003619-17-007586 |
| 9. Peters, Samuel | Case Number C003679-17-010417 |
| 10. Berna, Eugene | Case Number C003674-17-006622 |
| 11. Soto, Brandi | Case Number C003683-17-004839 |
| 12. Paige, Jensen | Case Number C003620-17-005328 |

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board meeting

Thursday, February 16, 2017 at 9:00AM.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

R-2 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Bermudez, Christopher Case Number C002613-17-004614 (9:15AM)
Chairman Cagan announced the case and commenced the hearing at 9:26AM. RCP Bermudez was not present. Assistant Attorney General, Frankie Shinn-Eckberg represented the State of Arizona in this proceeding. Assistant Attorney General, John Tellier appeared as the Independent Advisor to the Board. Investigator Geriminsky was called as a witness and testified in this matter.

MOTION: Board Member O'Hair-Schattenberg to deem Factual Allegations and Alleged Violations. Seconded by Board Vice Chairman Gonzales.

VOTE: Motion passed (4-0).

MOTION: Board Member O'Hair-Schattenberg to revoke license. Seconded by Board Vice Chairman Gonzales.

ROLL CALL VOTE: Motion passed (4-0).

R-3 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

1. Garza, Georgette Case Number C003667-17-003147
Chairman Cagan announced the case and commenced the interview at 9:01AM. RCP Garza was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Vice Chairman Gonzales to move this matter to a Formal Hearing. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (4-0).

2. McMillar, Colleen Case Number C003670-17-004880
Chairman Cagan announced the case and commenced the interview at 9:02AM. RCP McMillar was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O'Hair-Schattenberg to move this matter to a Formal Hearing. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

3. Nelson, Nicki Case Number C003671-17-000709
Chairman Cagan announced the case and commenced the interview at 9:03AM. RCP Nelson was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Vice Chairman Gonzales to move this matter to a Formal Hearing. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (4-0).

4. Johnson, Herman Case Number C003668-17-010522
Chairman Cagan announced the case and commenced the interview at 12:01PM. RCP Johnson was not present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to move this matter to a Formal Hearing. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (5-0).

5. Campagne, Maria Case Number C003676-17-009762
Chairman Cagan announced the case and commenced the interview at 9:04AM. RCP Campagne was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O'Hair-Schattenberg to issue a non-disciplinary consent agreement to complete .5 additional hours of continuing education and to pay a civil penalty of \$12.50 within 60 days. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

6. Tena, Daniel Case Number C003653-17-007226
Chairman Cagan announced the case and commenced the interview at 9:11AM. RCP Tena was present. Investigator Geriminsky presented a summary of the case.

MOTION: Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

VOTE: Motion passed (4-0).

7. Landavaso, Lydia Case Number C003572-16-010404
Chairman Cagan announced the case and commenced the interview at 9:31AM. RCP Landavaso was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member Crawford to issue a non-disciplinary Order for \$250.00 civil penalty for failure to disclose a criminal charge to be paid within 60 days. Seconded by Board Member O'Hair-Schattenberg.

VOTE: Motion passed (4-0). Board Chairman Cagan was recused.

8. Petkovic, Elma Case Number C003106-13-007395
Chairman Cagan announced the case and commenced the interview at 10:04AM. RCP Petkovic was present and represented by Michael J. Ryan, Esquire. Investigator Geriminsky presented a summary of the case.

MOTION: Board Member O'Hair-Schattenberg to issue a Decree of Censure for supervising respiratory therapists that are not licensed. Seconded by Vice Chairman Gonzales.

ROLL CALL VOTE: Motion passed (3-1). Board Member Crawford voted nay. Board Chairman Cagan was recused.

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Eakin, Michelle Case Number C003643-17-004097
Chairman Cagan announced the case. RCP Eakin was present and represented by Michael Tamm, Esquire. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Eakin addressed the Board Members regarding the matter.

MOTION: Board Vice Chairman Gonzales to dismiss. Seconded by Board Member Rineer.

VOTE: Motion passed (5-0).

2. Parrish, Genesis Case Number C003685-17-010063
Chairman Cagan announced the case. RCP Parrish was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Vice Chairman Gonzales to move this matter to a Formal Hearing. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

3. Eide, Zeke Case Number C003694-17-009711
Chairman Cagan announced the case. RCP Eide was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O'Hair Schattenberg to offer a non-disciplinary consent agreement with a civil penalty of \$250 for failure to disclose a criminal charge to be paid within 60 days. Seconded by Board Member Crawford.

VOTE: Motion passed (5-0).

4. Bertram, Niki Case Number C003687-17-009176
Chairman Cagan announced the case. RCP Bertram was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Bertram addressed the Board Members regarding the matter.

MOTION: Board Member Crawford to offer a non-disciplinary consent agreement with a civil penalty of \$250.00 for failure to disclose a criminal charge to be paid within 90 days. Seconded by Board Member O'Hair Schattenberg.

VOTE: Motion passed (5-0).

5. Parks, Kimberly Case Number C003667-17-008562
Chairman Cagan announced the case. RCP Parks was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Crawford to offer a non-disciplinary consent agreement for working without a license \$50 per shift (\$1450) to be paid within 90 days. If not paid, move this matter to an Informal Interview. Seconded by Board Vice Chairman Gonzales.

VOTE: Motion passed (5-0).

6. Caravella, Joseph Case Number C003697-17-009796
Chairman Cagan announced the case. RCP Caravella was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Vice Chairman Gonzales to move this matter to an Informal Interview. Seconded by Board Member Rineer.

VOTE: Motion passed (5-0).

Cases Recommended for Dismissal/Referral

7. Felix, Julie Case Number C003618-17-009812
Chairman Cagan announced the case. RCP Felix was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member O'Hair-Schattenberg to dismiss. Seconded by Board Member Rineer.

VOTE: Motion passed (5-0).

8. Ricchetti, Joseph Case Number C003654-17-009550
Chairman Cagan announced the case. RCP Ricchetti was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Crawford to dismiss. Seconded by Board Vice Chairman Gonzales.
VOTE: Motion passed (5-0).

9. Patterson, Kathryn Case Number C003633-17-009385
Chairman Cagan announced the case. RCP Patterson was not present. Investigator Geriminsky reviewed the allegations for the Board Members.

MOTION: Board Member Rineer to dismiss. Seconded by Board Member O'Hair Schattenberg.
VOTE: Motion passed (4-0). Vice Chairman Gonzales voted nay.

R-5 DISCUSSION/ACTION ON PROBATION COMPLIANCE/REQUEST TO LIFT

1. Pupillo, Roxana Case Number P0011351-16-007221
Chairman Cagan announced the case. RCP Pupillo was present. Investigator Geriminsky reviewed the allegations for the Board Members. RCP Pupillo addressed the Board members regarding the matter.

RCP Pupillo gave an update on her probation status.

R-6 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

Updates were given by Jack Confer, Executive Director, David Geriminsky, Investigator and Kathy Stone, Licensing Specialist.

1. Application, Investigation & Probation Reports
2. Survey Responses
3. Cash Flow Statement November FY2017
4. Board Policies: A. 2-Year File Closure

MOTION: Board Member Crawford to approve. Seconded by Board Vice Chairman Gonzales.

VOTE: Motion passed (5-0).

- B. Fingerprinting
- C. Notification of Disciplinary Actions to Employers

5. Legislation: SB1027
6. Proposed Rules, Continuing Education & Renewal Fee Increase (Discussion & Vote)
7. OSPB & JLBC Proposed Budgets 2018

R-7 CALL TO THE PUBLIC

None

R-8 ITEMS TO BE PLACED ON A FUTURE AGENDA

R-9 ADJOURNMENT

Board Chairman Cagan adjourned the meeting at 1:17PM.

Dated this 21st day of FEBRUARY 2017.



Jack Confer
Executive Director